

**IN THE DRAWING**

Please substitute the attached sheet of drawing for the drawing in this application, the sole amendment being the addition of the legend "FIG. 1".

## **REMARKS**

### **Amendments to the Specification:**

In the specification, headings have been supplied as usually suggested for U.S patent applications.

In addition, it was noted that the drawing in this application was not identified as FIG 1. This amendment amends the figure of drawings to have the legend "FIG. 1", and inserts a brief description of the figure as well. No new matter is added by this amendment.

### **Claim Rejections under section 103(a)**

All claims 1 to 25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent number 6,143,043 to Christman et al. (hereinafter "Christman").

The Christman patent issued on November 7, 2000 from an application published on November 19, 1998. The present application is the U.S. national stage of an International Application filed on July 9, 2001, which is the effective U.S. filing date for this application. The Christman application was not published until eight months prior to the effective U.S. filing date, and therefore Christman could be potential prior art only under 35 U.S.C. § 102(e).

35 U.S.C. § 103(c)(1) states that:

subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 ... shall not preclude patentability where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Section 103(c)(2) further states that:

subject matter developed by another person and a claimed invention shall be deemed to have been owned by the same person or subject to an obligation of assignment to the same person if:

(a) the claimed invention was made by or on behalf of parties to a joint research agreement that was in effect on or before the date the claimed invention was made;

(b) the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement; and

(c) the application for patent for the claimed invention discloses or is amended to disclose the names of the parties to the joint research agreement.

The invention of the present application was made under a joint research agreement between Heraeus Quarzglas GmbH (now Heraeus Quarzglas GmbH & Co. KG) and Shin-Etsu Quartz Products, Ltd. The invention of the Christman patent was developed under a linked subsequent agreement between Heraeus Quarzglas GmbH, Shin-Etsu Quartz Products and Heraeus Shin-Etsu America, Inc. Heraeus Shin-Etsu America, the holder of title of the Christman patent, is owned by Heraeus Quarzglas GmbH & Co. KG (25%) and Shin-Etsu Quartz Products (75%). Shin-Etsu Quartz Products is 50% owned by Heraeus Quarzglas GmbH & Co. KG .

A statement as required by 35 U.S.C. § 103(c)(2) is attached, and a statement identifying the parties to the joint research agreement has been inserted in the specification, as required by 35 U.S.C. § 103(c)(2)(c). A check, including the amount of \$130.00, is enclosed to meet the fee for assertion of this joint research agreement at this stage of the prosecution. Should the check be insufficient or not found, please deduct any necessary fee from deposit account 501659.

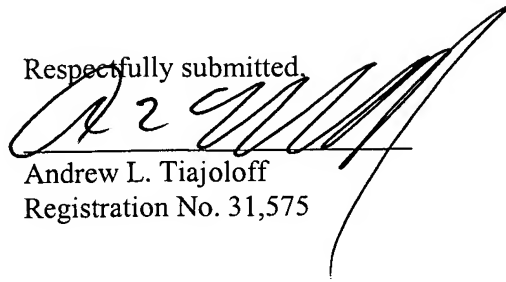
Accordingly, under 35 U.S.C. sec. 103(c), an obviousness rejection in the present application cannot be based on the Christman patent, and withdrawal of the §103 rejection based on Christman is respectfully solicited.

All objections of the Examiner having been addressed, and the prior art of the rejections having been excluded under 35 U.S.C. § 103(c), formal allowance is respectfully requested.

Should any questions arise, the Examiner is invited to telephone attorney for applicants at 212-490-3285.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. L. Tiajolloff', is written over a horizontal line. The signature is stylized with a large initial 'A' and a long, sweeping flourish extending to the right.

Andrew L. Tiajolloff  
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